

## **EXHIBIT 4**

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

STEPHANIE HERNANDEZ, §  
Plaintiff, §  
§  
v. § CIVIL ACTION NO. 1:18-CV-319-RP  
§  
CLEARWATER TRANSPORTATION, §  
LTD. §  
§  
Defendant. §

**PLAINTIFF'S PROPOSED STIPULATED FACTS**

Pursuant to Western District of Texas Local Rule CV-16(e)(3), Plaintiff proposes that the parties identify the following list of stipulated facts:

1. Defendant Clearwater Transportation, Ltd (“Clearwater”) employed 15 or more employees at all times relevant to this suit, including in all of 2017.
2. Plaintiff has exhausted all required administrative remedies under Title VII of the Civil Rights Act as amended by the Pregnancy Discrimination Act.
3. Plaintiff filed a charge of discrimination and retaliation with the Equal Employment Opportunity Commission within 300 days of the conduct she has alleged in this lawsuit.
4. Plaintiff filed this lawsuit within 90 days of receiving her right-to-sue letter from the Equal Employment Opportunity Commission with respect to her claims.
5. Plaintiff has complied with all applicable statutes of limitations for her claims under Title VII of the Civil Rights Act as amended by the Pregnancy Discrimination Act and the Americans with Disabilities Act (“ADA”).
6. The condition precipitating Plaintiff’s request for accommodations in June 2017, hyperemesis gravidarum, met the statutory definition of a “disability” as defined by the

ADA. Dkt 53, at 8.

7. Defendant was an “employer” as that term is defined by the ADA and the TCHRA in 2017 and 2018.

Respectfully submitted,

/s/ Austin Kaplan

Austin Kaplan

State Bar No. 24072176

[akaplan@kaplanlawatx.com](mailto:akaplan@kaplanlawatx.com)

Matthew “Maff” Caponi

State Bar No. 24109154

[mcaponi@kaplanlawatx.com](mailto:mcaponi@kaplanlawatx.com)

Ryan Estes

State Bar No. 24120586

[restes@kaplanlawatx.com](mailto:restes@kaplanlawatx.com)

KAPLAN LAW FIRM, PLLC

406 Sterzing St.

Austin, Texas 78704

PH: 512.553.9390

FX: 512.692.2788

**COUNSEL FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of February 2022, I sent a true and correct copy of the above and foregoing to all counsel of record as follows:

***Via CM/ECF***

Michael J. DePonte

State Bar No. 24001392

[Michael.DePonte@jacksonlewis.com](mailto:Michael.DePonte@jacksonlewis.com)

Alise N. Abel

State Bar No. 24082596

[Alise.Abel@jacksonlewis.com](mailto:Alise.Abel@jacksonlewis.com)

JACKSON LEWIS

500 N. Akard, Suite 2500

Dallas, Texas

PH: (214) 520.2400

**COUNSEL FOR DEFENDANT**



Maff Caponi